

1

2

3

4

5

6

7

8

## UNITED STATES DISTRICT COURT

9

## Northern District of California

10

## San Francisco Division

11

PAUL C RYAN,

No. C 11-00850 LB

12

Plaintiff,

ORDER TO SHOW CAUSE RE:  
FAILURE TO PROSECUTE

13

v.

MICHAEL J ASTRUE,

Defendant.

15

16

17

18

19

20

21

22

23

24

25

26

Plaintiff filed a complaint against Defendant on February 23, 2011. Complaint, ECF No. 1. Defendant filed an answer on November 17, 2011. Answer, ECF No. 12. On December 22, 2011, the court entered an order granting the parties' stipulation to extend the time for Plaintiff to file a motion for summary judgment or remand until March 21, 2012. *See* Stipulation and Order, ECF No. 17. Since then, this action has come to a standstill. *See generally* Docket. The deadlines for this social security appeal also have passed. *See* Social Security Procedural Order, ECF No. 2.

27

28

On January 8, 2013, the court ordered Plaintiff to show cause why this action should not be dismissed for failure to prosecute. *See* Order to Show Cause, ECF No. 19. The court ordered Plaintiff to file a written response no later than Thursday, January 17, 2013 and set a show cause hearing for February 7, 2013. *Id.* That deadline for Plaintiff to respond has now passed and the court has not received a response.

27

28

In light of Plaintiff's failure to justify his inaction, the court could dismiss the case. Because dismissal is a drastic sanction, however, the court will give Plaintiff one more chance. Accordingly,

1 the court **ORDERS** Plaintiff to show cause why this action should not be dismissed for failure to  
2 prosecute. Plaintiff **SHALL** do so by filing a written response no later than Thursday, January 31,  
3 2013. The show cause hearing remains set for Thursday, February 7, 2013 at 11:00 a.m. in  
4 Courtroom C, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco,  
5 California, 94102.

6 **If Plaintiff fails to file a written response by Thursday, January 31, 2013, the court will**  
7 **dismiss Plaintiff's case without further notice.**

8 **IT IS SO ORDERED.**

9 Dated: January 18, 2013

  
LAUREL BEELER  
United States Magistrate Judge